

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: November 24, 2008

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
  1. NRV Economic Development Alliance
  2. Office on Youth Advisory Board
  3. Workforce Investment Board
  4. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. PUBLIC HEARING**

**A. SUBJECT: BOARD OF SUPERVISORS**

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on November 9 and November 16, 2008:

1. Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.  
**An Ordinance Amending Chapter 2, Division 5 Entitled Tax Exemptions and Deferrals for Elderly and Handicapped, Section 2-107 of the Code of the County of Montgomery, Virginia by Increasing the Income Eligibility Limits for Exemption from or Deferral of Taxation of Real Estate for the Elderly and Disabled.** See TAB A for a copy of the proposed ordinance.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on September 24, October 1 and October 8, 2008:

**2. Special Use Permit Amendment – Oak Forest MHC, LLC – Continued from October 27, 2008**

**A request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) for an amendment of a Special Use Permit (SUP) to eliminate condition number(s) 3, 5, 7, 8, and 10 approved on February 23, 2004 by the Board of Supervisors.** The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan. See TAB **B**.

**VIII. PUBLIC ADDRESS**

**IX. DELEGATION**

**A. SUBJECT: VDOT ACCESS MANAGEMENT REGULATIONS**

VDOT Access Management Regulations

A VDOT representative will make a presentation on VDOT Access Management Regulations and Standards for Minor Arterials, Collectors, and Local Streets.

See TAB **C** for a copy of the presentation.

**X. ADDENDUM**

**XI. CONSENT AGENDA**

## **XII. OLD BUSINESS**

**A. SUBJECT: SPECIAL USE PERMIT – LAWRENCE  
ESTES (AGENT: AT&T) –  
TELECOMMUNICATIONS TOWER**

**R-FY-09-  
SPECIAL USE PERMIT  
LAWRENCE S. ESTES (AGENT: AT&T)  
FOR THE PURPOSE OF ALLOWING  
A 120 FOOT TELECOMMUNICATIONS TOWER  
906 DEN HILL ROAD PARCEL ID #006179,  
TAX MAP NUMBER 68-A-145**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the **Lawrence S. Estes (Agent: AT&T) request for a Special Use Permit (SUP)** on 44.923 acres in an Agriculture (A-1) zoning district to allow a 120 foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. R0339G", prepared by BC Architects Engineers, dated July 30, 2008 and received by Montgomery County on August 1, 2008. Revised Sheet No. VA-R0339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of zoning permit.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position) In lieu of not making a separate tower application on the same property, Verizon Wireless shall be allowed to co-locate on this structure using a modified flush mount design (24 inches distance between face of pole and outer face of antennas). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans, signed and sealed by a licensed engineer in the State of Virginia, shall be submitted to and approved by the Building Official prior to issuance of a building permit.

5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
  - Emergency service providers shall provide equipment.
  - Tower owner/agent shall install the antennae at market rate.
  - The tower owner will provide the County with a location on the tower between 86 feet and 100 ft.
9. Tower compound fence shall be screened with Leyland Cypress, 6 ft in height and 5 feet on center. Similar screening shall be provided along the Amodeo (Tax Map 055-16-23D)/Este's property in the line of site of the proposed house site in accordance with the attached conceptual map dated November 6, 2008. Screening shall be approved by the Zoning Administrator at the time of the site plan approval.
10. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.

The property is located at 906 Den Hill Road and is identified as Tax Parcel No(s) 68-A-145, Parcel ID 001679, in the Mount Tabor Magisterial District (District B). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

**JUSTIFICATION:**

At their October 8, 2008 meeting, the Planning Commission recommended approval of the request (vote of 6-1, Seitz opposed, Cochran and Rice absent). See TAB **G**.

**B. SUBJECT:**

**ADMENDMENT TO THE COUNTY'S  
PERSONNEL POLICES AND PROCEDURES**

**R-FY-09-  
RESOLUTION AMENDING THE  
COUNTY'S PERSONNEL POLICES AND PROCEDURES**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the revisions to the County's Personnel Policies and Procedures dated November 24, 2008.

**See TAB H for a copy of the proposed revisions.**

ISSUE/PURPOSE: To approve the revisions to the County's Personnel Policies and Procedures.

JUSTIFICATION: Annually, County staff reviews the County's Personnel Policies and recommends revisions to address changes to the federal and state law and to clarify programs and activities, which are described in the policies. TAB H includes a copy of the propose revisions and a summary on the reason for the revisions.

Staff included additional language in Section 8.7, Bereavement Leave, to address concerns by Board members at the November 12, 2008 meeting as follows:

*"Additional leave may be requested by classified full and part-time employees based on extraordinary situations that may warrant the need for additional time off due to bereavement reasons. The County Administrator shall consider such requests for approval, which may include requests from other employees to donate additional sick leave to the employee ( if employee has exhausted all annual and sick leave) or for the employee to use more than allotted sick leave described elsewhere in this policy from his/her personal accruals."*

### XIII. NEW BUSINESS

**A. SUBJECT:**                      **DESIGNATION OF RURAL RUSTIC ROAD**  
**MT. PLEASANT ROAD (SR 639)**

**R-FY-09-  
DESIGNATION OF RURAL RUSTIC ROAD  
MT. PLEASANT ROAD (SR 639)**

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, Any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1500 vpd; and

WHEREAS, The Board of Supervisors of Montgomery County, Virginia desires to consider whether **Route 639, Mt. Pleasant Road** From: 0.61 miles West of Rte 637 To: 0.03 miles West of Rte 637 should be designated a Rural Rustic Road; and

WHEREAS, The Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, The citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, The Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates Mt. Pleasant Road (SR 639) a **Rural Rustic Road** and requests that the Residency Administrator for the Virginia Department of Transportation concur in the designation.

BE IT FURTHER RESOLVED, The Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in the current state.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

ISSUE/PURPOSE: Designate Mt. Pleasant Road (SR 639) as a Rural Rustic Road.

JUSTIFICATION: Mt. Pleasant Road is currently listed as Priority #1 and Priority #2 on the FY 09 6-Year Secondary Road Improvement Plan. The road needs to be designated Rural Rustic to justify paving to less than 18 feet of pavement. See TAB I for a copy of a map showing the location Mt. Pleasant Road.

#### **XIV. COUNTY ATTORNEY'S REPORT**

#### **XV. COUNTY ADMINISTRATOR'S REPORT**

#### **XVI. BOARD MEMBERS' REPORT**

1. Supervisor Creed
2. Supervisor Brown
3. Supervisor Marrs
4. Supervisor Biggs
5. Supervisor Politis
6. Supervisor Muffo
7. Supervisor Perkins

#### **XVII. OTHER BUSINESS**



## **XVIII. ADJOURNMENT**

### **FUTURE MEETINGS**

Regular Meeting  
Monday, December 15, 2008  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda